

Remarks

Claim Rejections Under 35 U.S.C. Section 102

Examiner has rejected all pending claims as being anticipated by U.S. Patent No. 4,228,353. According to the Examiner, the '353 Patent discloses a scanner comprising radiation sources mounted on an arm and detectors mounted on an arm in diametric opposition to the radiation source. Examiner has not specifically identified where, in the cited reference, certain of the dependent limitations can be found, including dependent claims 5, 7, 12, 17, 22, 26, 29-31, and 35-41. Applicant objects to Examiner's issuance of a final rejection given the short prosecution history, the good faith attempts by Applicant to distinctly claim and differentiate its invention from the prior art, and the lack of detail supporting Examiner's rejection of the dependent claims.

Applicant has amended its claims to clarify the differences between the claimed embodiments of its inventions and the prior art. Specifically, Applicant has amended all pending claims to include an X-ray scanner that comprises an annular X-ray tube positioned radially outward from said tube wherein said annular X-ray tube has a plurality of X-ray sources and an annular sensor array radially positioned between said annular X-ray tube and said tube, wherein said annular sensor array comprises a plurality of sensors arranged in a plurality of rings, wherein said X-ray sources sequentially emit radiation and wherein each X-ray source directs said emitted radiation toward a portion of said sensor array positioned furthest from said X-ray source and past a portion of said sensor array positioned nearest to said X-ray source. These structures are simply not disclosed in the '353 Patent. Moreover, the '353 Patent does not disclose numerous limitations currently claimed in Applicant's pending claims, including those limitations in claims 5, 7, 12, 17, 22, 26, 29-31, and 35-41.